

ALBERT GUIDO

MAY 20, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. ASHMORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6357]

The Committee on the Judiciary, to whom was referred the bill (H. R. 6357) for the relief of Albert Guido, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 9, strike out the following "in excess of 10 per centum thereof".

The purpose of the proposed legislation is to pay Albert Guido the sum of \$1,000 as reimbursement for bond posed for Charles Urso on April 28, 1950. It appears that Charles Urso was admitted as a visitor for a few days to the United States at Rainbow Bridge, Niagara Falls, on May 28, 1947. He was arrested on April 27, 1950, on the ground that he was an immigrant not in possession of a valid immigration visa at the time of his last entry. He was released from custody the following day upon posting by Albert Guido a delivery bond, consisting of 2 United States Treasury bonds, each in the sum of \$500. Urso was found to be deportable and he could not be found for deportation, therefore, the bond was forfeited. Mr. Guido used every means available to locate Urso. He investigated approximately 20 different addresses furnished by various people who knew him; he had 24 copies of his photo made and distributed them to police, immigration, and other authorities trying to locate him to be given over to the proper authorities for deportation. With the information furnished by Mr. Guido to the Treasury Department they were able to locate the whereabouts of Urso in Baltimore. The Treasury Department found that Charles Urso had died on April 22, 1955, and was buried under the name of Charles Russo. Death certificate No. 3685-1955 Department of Health, Baltimore. This information

was immediately passed on to the Immigration Service. An affidavit signed by Mr. Guido is attached hereto and made a part of this report. Your committee recommends favorable consideration of the bill. No attorney involved in connection with the claim.

AFFIDAVIT

I found out that Calgero or Charles Urso died on April 22, 1955, consequently his indictment was dropped.

I investigated approximately 20 different addresses furnished me by various people that knew him. I had 24 copies of his photo made as per enclosed copy and distributed same to police, immigration, and other authorities.

I sent a tracer, Mr. Weinstein, to Canada, where he located his stepdaughter, Mrs. Faraci. Mr. Weinstein informed me that he could not question Mrs. Faraci due to language barrier and he had me call her by telephone. I called Mrs. Faraci and spoke to her in Italian and she informed me that the last letter she had from Urso was from Syracuse, N. Y. I therefore sent a man to Syracuse, N. Y. to ascertain if he was still in that vicinity. But to no avail. All this investigation was at my expense.

All this information was furnished to Mr. Frank Benemio of the Immigration Department.

Mr. Jhorn Anderson of the Treasury Department called on me at my office at 725 Fourth Avenue, Brooklyn, N. Y. I gave him all the information I had on hand regarding Urso. With the information furnished by me, he was able to locate the whereabouts of Mr. Charles Urso in Baltimore, Md. Mr. Anderson later found out that Charles Urso had died on April 22, 1955, and was buried under the name of Charles Russo. Death certificate No. 3685-1955 Department of Health, Baltimore, Md. I then passed this information on to the Immigration Department.

In a letter dated March 29, 1954, from the United States Department of Justice, Immigration and Naturalization, New York, File No. A7463590C, signed by W. J. Zucker, Acting Chief, Administrative Branch, he stated that no extension on my bond could be made, however, if the alien is subsequently produced as a result of your efforts, you may make an application for reconsideration of the order breaching the bond.

In view of the expenses incurred—my diligent efforts to locate this man—and my full cooperation with the authorities involved, I feel that my bond should be restored to me.

ALBERT GUIDO.

Signed before me this 7th day of October 1957, in the county of Kings, Brooklyn, N. Y.

HENRY A. ZDROJESKI,
Notary Public.

Commission expires March 30, 1958.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., August 20, 1957.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 6357), for the relief of Albert Guido.

The bill would provide for the payment of the sum of \$1,000 to Albert Guido as reimbursement for loss sustained by him in connection with the forfeiture of a delivery bond posted by him in behalf of an alien under arrest in deportation proceedings.

Examination of the files in this case discloses that Calogero Urso, a native and citizen of Italy, made entry into the United States by foot across the Rainbow Bridge at Niagara Falls on May 28, 1947, when he was admitted as a visitor for a few days. He was taken into custody pursuant to an immigration warrant of arrest on April 27, 1950, on the ground that he was an immigrant not in possession of a valid immigration visa at the time of his last entry. He was released from custody the following day upon the posting by claimant of a delivery bond, consisting of 2 United States Treasury bonds, each in the sum of \$500. After hearing on January 3, 1952, the alien was found deportable on the charge stated and a warrant of deportation was issued. On January 6, 1954, demand was made by registered mail on the surety to surrender the alien for deportation on January 19, 1954. Upon the request of the surety the date was extended to February 19, 1954. The alien was not surrendered by such date, however, and the surety requested a further extension of time, which was denied and the delivery bond was declared breached on March 11, 1954. On April 9, 1954, the proceeds of the bonds were covered into the Treasury of the United States. The Immigration and Naturalization Service continued its efforts to apprehend the alien until 1957 when investigation disclosed his death in Baltimore on April 25, 1955.

In the circumstances it appears that the delivery bond was properly declared breached and that forfeiture was enforced in strict compliance with the terms of the bond. Enforcement of such bonds is vital to a proper administration of the law and no reason appears why there should be reimbursement to the surety in this case. Accordingly, the Department of Justice is opposed to the enactment of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

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